

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

B.E. and S.E., minor children by their)	
mother, legal guardian, and next friend, L.E.,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:21-cv-415-JRS-MG
)	
VIGO COUNTY SCHOOL CORPORATION;)	
PRINCIPAL, TERRE HAUTE NORTH HIGH)	
SCHOOL, in his official capacity,)	
)	
Defendants.)	

Motion for Preliminary Injunction

Plaintiffs, by their counsel, move this Court pursuant to Federal Rule of Civil Procedure 65 for a preliminary injunction in this case. In support of this motion, they say that:

1. They will prevail on their claim that the actions of defendants, as outlined in their Complaint for Declaratory and Injunctive Relief and Damages, violate both Title IX, 20 U.S.C. § 1681(a) and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. They are being caused irreparable harm for which there is no adequate remedy at law.
3. The balance of harms favors the plaintiffs.

4. The public interest would not be disserved by the grant of a preliminary injunction.

5. Inasmuch as the defendants will not be exposed to any risk of monetary injury if the preliminary injunction is granted, it should be granted without any bond.

6. This Court should establish a briefing schedule for the parties in this matter.

7. In further support of this motion the plaintiffs will timely file submit their supporting evidence and memorandum of law.

WHEREFORE, plaintiffs request that this Court grant them a preliminary injunction in this matter, without bond, allowing them to utilize male restrooms and in all other respects requiring defendants to treat them as male, and for all other proper relief.

Kenneth J. Falk
Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317/635-4059
fax: 317/635-4105
kfalk@aclu-in.org
spactor@aclu-in.org

Kathleen Bensberg
Indiana Legal Services, Inc.
1200 Madison Ave.
Indianapolis, IN 46225
317/631-9410
fax: 317/269-7219

Kathleen.bensberg@ilsi.net

Megan Stuart
Indiana Legal Services
214 S. College Ave., 2nd Floor
Bloomington, IN 47404
812/961-6902
Megan.stuart@ilsi.net

Attorneys for Plaintiffs

Certificate of Service

I certify that on this 10th day of November 2021, a copy of the foregoing was filed electronically with the Clerk of this Court and was served on the below-named parties by first class U.S. Postage, pre-paid.

Vigo County School Corporation
PO Box 3703
Terre Haute, IN 47803

Principal
Terre Haute North Vigo High School
3434 Maple Avenue
Terre Haute, IN 47804

Kenneth J. Falk
Attorney at Law